

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
May 14, 2020

(I) Call Meeting to Order

Mayor Brendan Pratt called the meeting to order at 6:00 p.m. The Regular Council Meeting was held via Zoom Teleconference/Video conference due to Coronavirus COVID-19.

(II) Pledge of Allegiance

Mayor Pratt led the Common Council and others in attendance in the Pledge of Allegiance.

(III) Roll Call

City Clerk Cindy Bauer called the roll. Mayor Brendan Pratt, Council Members Dale Stuber, Timothy Lima, Maria Guzman, Matt Biren, Tim Sexton, and Susan Rowe were present. Also Present: City Attorney John Behling, City Administrator Michael Golat, City Planner Joshua Clements, Management Analyst Roy Atkinson, Police Chief Kelly Bakken, and City Clerk Cindy Bauer.

(IV) Citizen Participation Period

Motion by Rowe/Stuber to close the Citizen Participation Period. **Motion carried.**

(V) Approval of minutes.

Motion by Lima/Sexton to approve the minutes of the April 21, 2020 Organizational Council Meeting and the April 30, 2020 Special Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator commented on the Supreme Court Decision to overturn the Safer at Home Order. Golat has been working with Eau Claire County and the Eau Claire City/County Health Department to come up with a guidance.

City Committee Reports – None.

(VII) Consent Agenda - None.

(VIII) Unfinished Business – None.

(IX) New Business

(1) Discuss/consider approval of Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code “Intoxicating Liquor and Fermented Malt Beverages” more specifically Section 5.24.030 and creating Section 5.24.136.

Police Chief Kelly Bakken explained that staff has been reviewing the process regarding the issuance of operator licenses. On March 3, 2020 Wisconsin Act 166 was enacted and amended to allow a municipal governing body by ordinance to authorize a designated municipal official to issue operator licenses.

Ordinance 5A-20, is an ordinance amending Chapter 5.24 of the Altoona Municipal Code, Section 5.24.030 to grant authority of operator licenses to the police chief, and to create Section 5.24.136 “Appeal from determination”, to clarify the process for the appeal of denial of operator license to the Common Council.

Motion by Sexton/Stuber to approve Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code regarding the authority of issuing operator licenses and appeal process of denial of operator license. **Motion carried.**

(IX)(2) Discuss/consider appointment of City Attorney for a two-year term.

City Administrator Golat referred to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. John Behling of Weld, Riley has been the City Attorney for many years and is recommended for another two year term ending May 2022.

Motion by Stuber/Rowe to approve re-appointment of John Behling of Weld, Riley as the City Attorney for a two-year term ending May 2022. **Motion carried.**

(IX)(3) Discuss/consider appointment of Assessor for a two-year term.

City Administrator Golat referred to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. Mike Kochaver of Bowmar Appraisal is currently the City assessor and is recommended for another two year term ending May 2022.

Motion by Biren/Lima to approve re-appointment of Mike Kochaver of Bowmar Appraisal as the City Assessor for a two-year term ending May 2022. **Motion carried.**

(IX)(4) Discuss/consider approval of mayoral appointments.

Mayor Pratt explained that mayoral appointments to some of the committees were not available at the time of the April 21 Council Meeting. Mayor Pratt recommended the following appointments:

- Melinda Smith to the Library Board for a term to expire April 2023.
- Nicholas Gagnon to the Police and Fire Commission for a term to expire April 2023.
- Fred Hoversholm to the Altoona Housing Committee for a term to expire April 2024.
- Dan Leibham to the Zoning Board of Appeals, 2nd Alternate, term to expire 2021.

Motion by Sexton/Stuber to approve the committee appointments as recommended by Mayor Pratt. **Motion carried.**

(IX)(5) Discuss/consider convening in closed session pursuant to Wis. Stats: 19.85 (1)(e). A. Purchase and/or sale of property.

Motion by Stuber/Rowe to convene in closed session at 6:50 p.m. pursuant to Wis. Stats. 19.85 (1)(e). Roll call vote, 6-ayes, Stuber, Rowe, Guzman, Sexton, Lima, Biren, 0-nays. **Motion carried 6-0.**

(IX)(6) Motion to reconvene to Open Session.

A. Purchase and/or sale of property.

Motion by Biren/Guzman to reconvene in open session at 7:09 p.m. Roll call vote, 6-ayes, Guzman, Stuber, Biren, Rowe, Sexton, Lima, 0-nays. **Motion carried 6-0.**

City Administrator Golat explained that there were several items discussed in Closed Session pertaining to the sale of city property and land acquisition, some requiring action.

Motion by Stuber/Rowe to accept the WB 40 Amendment to offer to Purchase originally dated September 5, 2019 and accepted on September 18, 2020 from Fairway Capital LLC as amended to change the closing date to March 15, 2021 with construction to commence by no later than May 15, 2021 for Lot 1 of Certified Survey Map No. 3470 as recorded in Volume 19 of CSM Page 284 Document No. 1175522 (land located on the corner of Fairway Drive and North Willson Drive) as terms set forth in the offer to purchase agreement and to authorize the Mayor to sign the documents on behalf of the City subject to the following conditions; completion of brush clean-up on the site and placement of a future development sign on the property. **Motion carried.**

Motion by Rowe/Stuber to accept the WB 40 Amendment to Offer to Purchase originally dated September 13, 2018 and accepted on October 23, 2018 from Scott Westphal, Lisa Ornstein, Robert Waldow, Kristin Waldow

as amended for the closing date be changed from May 15, 2020 to August 31, 2020 and begin construction on or before October 31, 2020 for the purchase of Lot 2 of CSM #3509 (Originally designated as Lot 10) subject to final review by legal council. **Motion carried.**

Motion by Sexton/Rowe to accept the WB-40 Amendment to Offer to Purchase originally dated October 7, 2019 and accepted on October 10, 2019 for Lot 12 in River Prairie Development from Compass, LLC as amended on April 9, 2020 for the closing date be changed from August 24, 2020 to June 15, 2020 and authorize the Mayor to sign the documents on behalf of the City. **Motion carried.**

Motion by Biren/Stuber to accept the WB-13 Vacant Land Offer to purchase Eau Claire County Parcel 1820122709253100001 totaling .92 acres from Patricia Mayer contingent upon seller granting the City (buyer) a Stormwater Drainage and Access Easement over Eau Claire County Parcels 1820122709253400003, 1820122709254300003 and 1802422709254300001, also subject to the execution of a contribution towards a purchase agreement with Wurzer to be approved by the City Attorney and signed by City Administrator Golat. **Motion carried.**

Motion by Sexton/Lima to approve a Waiver and Release of Liability and Indemnity Agreement between the City of Altoona and Patricia Mayer, owner of real estate parcel #1820122709253400003 and authorize the City Administrator to sign the agreement on behalf of the City. In consideration of the release and waiver and indemnification and the other terms of this Agreement, the City of Altoona shall pay to Mayer the sum of \$32,000.00. **Motion carried.**

(IX) Miscellaneous Business and Communication

(X) Adjournment.

Motion by Rowe/Lima to adjourn at 7:26 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk